

1.0 CONTEXT

- 1.1 This policy should be read in conjunction with GWHA's Complaints Handling Procedure to ensure full understanding of GWHA's guidance and expectations in respect of customer contact with GWHA employees, MC Members, agents and contractors.
- 1.2 GWHA expect staff to treat customers with courtesy and respect and the same courtesy and respect is expected from customers. GWHA appreciate that there may be situations where a customer is angry or upset and this will be taken into account when considering whether or not actions are unacceptable.
- 1.3 When unacceptable action occurs GWHA will take action to protect GWHA employees, MC Members, agents and contractors, whilst sustaining services and managing expectations.

2.0 AIMS

- 2.1 To outline how GWHA will manage customers whose actions and behaviours towards GWHA employees, MC Members, agents and contractors are considered unacceptable.
- 2.2 To ensure all interactions with customers are fair honest and appropriate and in line with our Code of Conduct and values.

3.0 DEFINITIONS

- 3.1 *Unreasonable or Persistent Behaviour* - when a person, because of the nature or frequency of their contacts with an organisation, hinders the organisation's consideration of their, or other people's, complaints.
- 3.2 *Vexatious Behaviour* - contact becomes vexatious when the effect of the repeated complaints is to harass, or to prevent an organisation from pursuing a legitimate aim or implementing a legitimate decision.
- 3.3 *Aggressive/ Violent Behaviour* - If anger escalates into aggression towards GWHA employees, MC Members, agents or contractors, it will be considered unacceptable. Any violence or abuse towards GWHA employees, MC Members, agents or contractors will not be accepted. Violence is not restricted to acts of aggression that may result in physical harm. It also includes behaviour or language (whether verbal or written) that may cause GWHA employees, MC Members, agents or contractors to feel offended, afraid, threatened or abused.
- 3.4 *Unacceptable Actions* - Detailed examples are listed in Appendix A.

4.0 POLICY

4.1 General

- 4.1.1 All customers will have the opportunity to raise new and valid complaints and concerns.
- 4.1.2 In cases where unacceptable behaviour is identified, staff members will be empowered to:
 - a) Manage unacceptable conduct and expectations proportionately and effectively; promoting mutual respect and courtesy.
 - b) Escalate or delegate matters in accordance with policy, and not in response to demands.
 - c) Clearly communicate any actions that may be taken and the options for review or appeal.
- 4.1.3 Any immediate actions put in place must be approved by the appropriate Director and recorded on the customer file.
- 4.1.4 Telephone calls may be recorded if the caller is considered to be aggressive, abusive or offensive.
- 4.1.5 In some situations, the customer may be offered a meeting to agree a way forward. Third party facilitators, such as mediators, may be considered if it will help discussions.
- 4.1.6 In the event a request for information is received from a customer subject to a personal protocol, timescales in accordance with GDPR¹ or Freedom of Information will take precedence over any response timescales as specified within the personal protocol.

4.2 Vexatious/ Persistent/ Unreasonable Behaviour

- 4.2.1 All correspondence, and related notes, will be held in the customer's file for full record of the behaviour.
- 4.2.2 If it is believed there is vexatious behaviour, GWHA will advise the customer in writing, explain what is unacceptable about the behaviour and any actions that could be taken if the behaviour continues.

¹ General Data Protection Regulations

4.2.3 If the customer is continuously sending the same documents, GWHA will initially write to them advising that this behaviour is unreasonable. In some cases, documents may be returned to the customer or, in extreme cases, the customer advised that further documents that are deemed irrelevant by GWHA will be destroyed.

4.3 Aggressive/ Violent Behaviour

4.3.1 All incidents where physical violence is used or threatened will be subject to individual risk review. Such cases will likely be reported to Police Scotland. Verbal abuse or harassment may also be reported to the police.

4.3.2 Restrictions may be introduced with regard to home visits and/or meetings in GWHA offices in the event threats of physical violence are received. It may also result in communication restrictions or the introduction of a personal protocol (see Section 4.4).

4.3.3 Where correspondence is abusive to GWHA employees, MC Members, agents or contractors, or contains unsubstantiated allegations, GWHA will tell the customer in writing what is considered unacceptable and why. The customer will be asked to change the way in which they communicate, and warned that GWHA may consider restricting contact should they fail to comply (see section 4.4).

4.3.4 If a customer becomes aggressive on a phone call, staff have the right to tell the caller that this behaviour is unacceptable and terminate the call. Prior to terminating a call, in line with GWHA procedures, the customer will be given at least one opportunity to modify their behaviour, with warning that failure to do so will result in the call being terminated. In the event the customer maintains aggressive or unacceptable behaviour, the call may be terminated without further warning. In all instances, a record of the interaction will be recorded on the customer's file.

4.4 Restricting Customer Contact

4.4.1 Occasionally and in specific circumstances of unacceptable conduct, GWHA will restrict customer contact through a Personal Protocol (Appendix B).

4.4.2 Prior to initiating a Personal Protocol, all options in sections 4.1 will be explored to find an acceptable way forward.

4.4.3 Where conduct becomes unacceptable, options available to GWHA include (but are not limited to) the following restrictions:

- a) contact to a nominated member of GWHA staff who will deal with future calls or correspondence from the customer
- b) contact to only telephone calls from the customer, and only at set times on set days
- c) meetings by appointment only
- d) contact to written forms only
- e) the number of issues that will be considered in a given period and for customers to limit or focus their requests accordingly
- f) the frequency of GWHA written or other responses
- g) the format of communication and responses to ensure appropriate focus on pertinent matters and closure on others
- h) confirming that matters which have fully exhausted internal processes are now closed and will not be revisited.

4.4.4 Any personal protocol must be considered and signed off by the divisional Director.

4.4.5 In extreme circumstance, GWHA has the discretion to restrict future contact from the customer, to communications through a nominated third party only. In such instances, a 3rd party mandate would be required to authorise release of any tenant information.

4.4.6 Personal Protocols (Appendix B) will record and communicate clear and concise arrangements including, where appropriate:

- Appointed protocol manager
- Contact restrictions
- Response timescales
- Length of protocol/ review frequency.

4.4.7 The subject of any Personal Protocol will receive written confirmation of what action is being taken and why.

- 4.4.8 Restrictions should be proportionate, appropriate and take account of the relevant personal circumstances including the seriousness of the complaint and the needs of the individual. Further information regarding the customer's personal needs and, where appropriate disabilities, may be requested to facilitate this assessment. The introduction of any restrictions through a personal protocol should not restrict reasonable access to housing services
- 4.4.9 The customer file shall indicate what contact restrictions are in place in the event a Personal Protocol is introduced. However, the specifics pertaining to the introduction of the Personal Protocol, and any subsequent reviews will be accessible by only the Protocol Manager and relevant staff (normally Management). If staff require to query anything regarding the Personal Protocol for the purposes of providing a service, or dealing with operational matters, they will be directed to the Protocol Manager for guidance.
- 4.4.10 By default, Personal Protocols will be reviewed every 12 months, unless otherwise as stated on the individual protocol. The outcome of such reviews will be recorded on the 'Personal Protocol Annual Review' form (Appendix C). The subject of the Personal Protocol will receive written confirmation of the outcome of any review, unless otherwise agreed or as determined during the review meeting.
- 4.4.11 A decision may be reconsidered if the customer changes their behaviour and other actions are agreed.
- 4.4.12 See Appendix D for an overview of the stages of restricting customer contact.

5.0 FEEDBACK AND APPEALS

5.1 Feedback

- 5.1.1 GWHA tenants and other customers may provide feedback about this document by emailing admin@glasgowwestha.co.uk

5.2 Appeals

- 5.2.1 GWHA's decision to restrict contact through the introduction of a personal protocol is final.
- 5.2.2 A customer who considers GWHA's decision to restrict contact is unjust will be advised of their right to contact the Scottish Public Services Ombudsman (SPSO), or other relevant organisation.

6.0 REVIEW

- 6.1 This Policy will be reviewed every 5 years, or sooner, subject to a change in legislation or circumstance.

7.0 DELEGATED AUTHORITY

- 7.1 Delegated authority is granted by the Management Committee to the Chief Executive and Staff to implement this Policy and the associated procedures.

Examples of Unacceptable Actions

People may act out of character in times of trouble or distress. Behaviour should not be deemed unacceptable just because a customer is focussed or determined. However, we do consider actions that result in unreasonable demands on our service or unreasonable behaviour towards GWA employees, MC Members, agents and contractors to be unacceptable. It is these actions that this protocol endeavours to manage.

Aggressive or Abusive Behaviour

- **We understand that customers may be angry about the issues they have raised. If that anger escalates into aggression towards GWA employees, MC Members, agents and contractors, we consider that unacceptable.**
- Any violence or abuse towards GWA employees, MC Members, agents or contractors will not be accepted. Violence is not restricted to acts of aggression that may result in physical harm.
- This includes behaviour or language (whether verbal or written) that may cause GWA employees, MC Members, agents or contractors to feel afraid, threatened or abused, and may include threats, personal verbal abuse, derogatory remarks and rudeness.
- GWA also considers inflammatory statements and unsubstantiated allegations to be abusive behaviour.
- We will take action following receipt of any correspondence (letter, fax or electronic) that is abusive to staff or contains allegations that lack substantive evidence. Such communications may lead to the introduction of a personal protocol, and/or referred to Police Scotland.

Unreasonable Demands

- **A demand becomes unacceptable when it starts to (or when complying with the demand would) impact substantially on GWA's service.**
- Examples of actions grouped under this heading include:
 1. repeatedly demanding responses within an unreasonable timescale
 2. insisting on seeing or speaking to a particular GWA employee, MC Member, agent or contractor when that is not possible or insisting on requests being dealt with in ways which are incompatible with adopted procedures, or determining that a service may be provided only by a particular contractor
 3. repeatedly changing the substance of a complaint, raising unrelated concerns
 4. refusal to accept decisions or the conclusion of the complaints process
 5. making groundless or unfounded complaints about staff dealing with complaints

Unreasonable Levels of Contact

- **Sometimes the volume and duration of contact made on our resources by an individual is excessive.**
- This can occur over a short period, for example, a number of calls in one day or one hour or over a period of months. An example of this is repeatedly making long telephone calls or inundating us with copies of information that has been sent already or that is irrelevant to the ongoing matter.
- The level of contact becomes unacceptable when the amount of time spent talking to a customer on the telephone, or responding to, reviewing and filing emails or written correspondence impacts on our ability to deliver services, or impacts on our ability to deal with other customers.

Threat or Use of Physical Violence

- **The threat or use of physical violence, verbal abuse or harassment towards GWA employees, MC members, agents or contractors is likely to result in a termination of all direct contact with the customer.**
- Incidents will be reported to the police.
- This will always be the case if physical violence is used or threatened.

SECTION 1: Background			
Name			
Address			
Details of unacceptable behaviour			
Opportunities to change behaviour			
Date	Conduct Required	Response	Outcome
Review completed by		Date	
Meeting Scheduled for			

SECTION 2: Personal Protocol Meeting ²			
Meeting Date		In Attendance	
Discussion points			
Personal Protocol – Restrictions to be introduced			
Method of Communication			
Contact Frequency ³ /Boundaries			
Response Timescales			
Support from other agencies if required			
System for recording frequency of contact			
Other			

² To agree introduction of new personal protocol

³ Where contact is deemed excessive, the Protocol Manager should initiate tracking to enable appropriate review e.g. time allocation, review of correspondence/contact supplemented by assessments at Team Meetings, Planning & Support Sessions, etc.

Appointed protocol manager		Review Frequency⁴	
Implemented Date		Customer Notified⁵ date:	
Approved By		Date	

SECTION 3: Annual Review			
Date	Evaluation Form (link)	Outcome	Customer Notified

⁴ Normally annually

⁵ Include why decision was made, arrangements/restrictions, implementation date, review date, right of appeal

SECTION 1: Case Review			
Protocol Manager		Date of Last Review	Click here to enter a date.
Case Review – last 12 months			
•			
•			
•			
•			
•			
•			
•			
•			
Recommendation(s)			
•			
Signed			
Date	Click here to enter a date.	Annual Review Meeting Scheduled for	Click here to enter a date.

SECTION 2: Annual Review Meeting			
Date	Click here to enter a date.	In Attendance	
Discussion Points			
•			
•			
•			
•			
Protocol to remain in place?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Detail any changes to protocol:			
Method of Communication			
Contact Frequency/Boundaries			
Timescales			
Support from other agencies if required			
System for recording frequency of contact			
Other			
Confirmed to customer in writing	Yes <input type="checkbox"/>	Click here to enter a date.	
Hyperlink to letter	<HYPERLINK>		
Next review date	Before Click here to enter a date.		

Immediate Response

- **Who:** All staff
- **Grounds:** Dealing directly with aggressive or abusive behaviour.
- **Note:** Immediate response as considered appropriate and in line with policy.
- **Outcome:** Record details of the unacceptable action(s) on customer file and alert Line Manager. Manager to undertake review of case (via SECTION 1 on Personal Protocol form (Appendix B), and call review meeting, if proposal to introduce contact restrictions deemed appropriate.

Personal Protocol

- **Who:** Divisional Director
- **Grounds:** to review immediate response or if there is a pattern of unacceptable conduct.
- **Note:** Careful consideration of conduct, context and risks. Opportunity to change behaviour or action, whenever possible.
- **Outcome:** Behaviour change commitment made. If no commitment, initiate Personal Protocol. Review protocol every 12 months. Confirm in writing.

Appeals

- **Who:** Scottish Public Services Ombudsman (SPSO)
- **Grounds:** Where action is considered:
 - Disproportionate.
 - Wrongly attributed.
 - Stopped access to housing services
 - Adverse impact.
- **Note:** Restrictions remain in place pending outcome of Appeal.
- **Outcome:** SPSO to confirm. GWHA will consider outcome of any appeal to SPSO, and any recommendations made.